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E-FILED - 5/20/10

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 (San Jose Division)

TRACY WATSON et al.,)	No. C06-4029 RMW
Plaintiffs,)	
v.)	STIPULATION AND ORDER
COUNTY OF SANTA CLARA et al.,)	TO MODIFY SCHEDULING ORDER;
Defendants.)	DECLARATION OF MELISSA
)	KINIYALOCTS IN SUPPORT THEREOF

The parties in the above-captioned action submit the following stipulation and order to modify the current scheduling order as follows:

	<u>Current Scheduling Order</u>	<u>Proposed New Date</u>
Expert Disclosure	May 10, 2010	August 6, 2010
Disclosure of rebuttal experts	June 7, 2010	September 3, 2010
Close of Expert discovery	July 2, 2010	September 17, 2010
Pretrial Conference	August 5, 2010	October 14, 2010
Trial	August 23, 2010	November 1, 2010

This Stipulation and Proposed Order is accompanied by the Declaration of Melissa Kinyalocets attached hereto.

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.

IT IS SO STIPULATED.

Dated: April 21, 2010

By: /S/
JACQUELYN K. WILSON

Attorney for Evergreen School District
Defendants

Dated: April 21, 2010

By: /S/
SHANNON SMYTH-MENDOZA

Attorney for City of San Jose Defendants

Dated: April 21, 2010

By: /S/
PETER JOHNSON

Attorney for Plaintiffs

MIGUEL MÁRQUEZ
Acting County Counsel

Dated: April 21, 2010

By: /S/
MELISSA R. KINIYALOCETS
Lead Deputy County Counsel

Attorneys for County Defendants

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**DECLARATION OF MELISSA KINIYALOCTS IN SUPPORT OF STIPULATION
AND PROPOSED ORDER TO MODIFY SCHEDULING ORDER**

I, Melissa Kiniyalocts, declare as follows:

1. I am employed as a Lead Deputy County Counsel for the County of Santa Clara and am duly licensed to practice law before this Court and all California courts. I am one of the attorneys of record for the County of Santa Clara Defendants.

2. This request for an order to modify the scheduling order is made jointly pursuant to stipulation. Counsel for all parties have met and conferred regarding the proposed expert discovery dates and trial date.

3. On December 4, 2009, Defendants' nine motions for summary judgment were heard. The motions, which were filed by the County of Santa Clara, Evergreen School District, and City of San Jose Defendants, remain under submission.

4. The parties agree that expert discovery and trial preparation could be substantially impacted by the rulings on the pending motions for summary judgment. Defendants are public entities and their employees. As such, prior to incurring substantial costs and fees associated with expert discovery and trial preparation, the parties agree to postpone the expert discovery deadlines and trial date to allow additional time for rulings on the pending motions.

5. The parties have previously requested modifications to the scheduling order on January 14, 2008, May 2, 2008, September 8, 2008, January 15, 2009, and January 8, 2010. Additionally, on June 11, 2009 the Court entered a Modified Scheduling Order after a Further Case Management Conference.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 8th day of January, 2010 at San Jose, California.

/S/
MELISSA KINIYALOCTS

ORDER

The Court has considered the stipulation to modify the scheduling order and makes the following order pursuant to the stipulation:

Expert Disclosure	August 6, 2010
Disclosure of rebuttal experts	September 3, 2010
Close of Expert Discovery	September 17, 2010
Pretrial Conference	October 14, 2010, 2:00 p.m.
Trial	November 1, 2010, 1:00 p.m.

IT IS SO ORDERED.

Dated: 5/20/10


HONORABLE RONALD M. WHYTE
United States District Court Judge

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